



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Malcom B. Strandberg
Serial No. : 09/161,816
Filed : September 28, 1998
For : SYSTEM AND METHOD FOR PROVIDING AN
AUTOMATIC TELEPHONE CALL BACK FROM
INFORMATION PROVIDED AT A DATA TERMINAL
Attorney's Docket : DAVOX-142XX
Examiner : Agdeppa, Hector A.
Group Art Unit : 2742

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5/5/05.

By Andrew R. Martin
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DECLARATION UNDER 37 CFR 1.132
OF MALCOM B. STRANDBERG

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

I, Malcom B. Strandberg, hereby declare that:

1. I am the inventor of the SYSTEM AND METHOD FOR PROVIDING AN AUTOMATIC TELEPHONE CALL BACK FROM INFORMATION PROVIDED AT A DATA TERMINAL, which is the subject of the above-identified patent application Serial No. 09/161,816.

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2. I graduated from Harvard University with B.A. Engineering and Applied Physics in 1973. Since then I have worked in the telecommunications field for companies including COM DEV Inc (1978-82) developing PBX message detail recorders, Voice Computer Technology (1982-89) developing voice response units, and Concerto (formally Davox) Corporation (1989 - present) developing call center software and telecommunications equipment. I am currently Director, Advanced Development at Concerto Corporation, the assignee of the subject patent application.
3. I have reviewed all of the references cited by the examiner in the office action mailed 01/13/2005, namely USP 5,884,032 (hereinafter "Bateman"), USP 4,052,570 (hereinafter "Sutton"), and USP application 2001/0040887 (hereinafter "Shtivelman").
4. Whether considered alone or together, Bateman, Sutton, and Shtivelman do not identify, let alone address, the problem that is solved by the present invention.

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5. The problem solved by the present invention is how best to connect a telephone call to an inquiring party using a telephone line when the inquiring party has prompted the call by accessing a computer network using said telephone line. For example, using a computer equipped with a dial-up modem, an inquiring party might visit a company website on the World Wide Web ("WWW"). During such visit the inquiring party might request that a representative of the company contact the inquiring party. However, since the inquiring party is using his telephone line to access the WWW, said telephone line is not available for the company to use to connect the return call, i.e., the line is busy. The present invention is based upon the recognition that the best time to respond to the inquiring party's request is immediately and further that the inquiring party's telephone line will be busy until he has ended his modem's connection to the network over the telephone line. Accordingly, the systems and methods of the present invention immediately redial the inquiring party's telephone number when a busy signal is detected so as to connect the call as soon as possible after the inquiring

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party has ended his modem's connection to the network over the telephone line.

6. By contrast, Bateman concerns a system for allowing a call center agent and a customer to simultaneously talk on the telephone and view information available on a computer network over a telephone line and separate second network connection. As a result, in the Bateman system, the call center agent would never call the customer back on the same line that the customer was using to access information on the computer network because doing so would completely frustrate the purpose of the invention of Bateman, which is to allow the customer and the agent to simultaneously talk on the telephone and access information on the computer network. As a result, Bateman not only fails to teach or suggest the solution to the problem embodied in the present invention, but Bateman does not contain even the slightest recognition of the problem addressed by the present invention.

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7. Sutton concerns a device that detects a busy signal, disconnects the call, waits a predetermined period of time, and redials the number. But nothing in Sutton has anything to do with identifying the best time to contact an inquiring party who has requested a callback by accessing a computer network over a telephone line. Thus, Sutton contains no recognition of the problem addressed by the present, let alone its solution.
8. Shtivelman et al. concerns a system with a customer device including a telephone and computer connected to the same telephone line. But nothing in Shtivelman has anything to do with identifying the best time to contact an inquiring party who has requested a callback by accessing a computer network over a telephone line. Thus, Shtivelman contains no recognition of the problem addressed by the present, let alone its solution.
9. In summary, the cited references (Bateman, Sutton, and Shtiveman) each address problems very different from one another and from the problem of connecting a telephone call

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over a telephone line to an inquiring party that has requested a callback by connecting to a network over the same telephone line. As a result, one of ordinary skill in the art would find no motivation to combine these references in any manner, let alone in a manner that would yield the present invention.

10. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and that the foregoing statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that my willful false statements or the like may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Respectfully submitted,

Malcom B. Strandberg



4/29-2005